

**REMARKS**

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1, 7, and 11-19 were pending in the present application. By way of this submission, claims 15 and 18 are cancelled without prejudice or disclaimer. Also by way of this submission, claims 20-27 are added. Accordingly, claims 1, 7, 11-14, 16, 17, and 19-27 are pending in the present application. Claims 1 and 7 are independent. The remaining claims depend, either directly or indirectly, from claims 1 and 7.

**Claim Amendments**

Claims 1, 7, 11-14, and 17 are amended for clarification. Applicant respectfully asserts no new matter is introduced by way of these amendments as support for these amendments may be found, for example, in paragraphs [0009], [0015], [0027], and [0029] of the published specification, in the corresponding figures, and in the originally filed claims.

**Request for Information**

The Examiner requests that the Applicant submit information under 37 CFR § 1.105. The Examiner asserts that the request for information is necessary because of the evidence included with the Declaration Pursuant to 37 CFR § 1.131, filed on April 28, 2008. *See*, Action at pages 2-4.

As an initial matter, Applicant believes the Examiner may have mislabeled the enumerated requirements. Specifically, the requirements are labeled as (1), (2), (3), (4), and (7). *See*, Action at page 4. Accordingly, this response is based on the assumption that the Examiner

intended to label the requirements as (1), (2), (3), (4), and (5). If Applicant's assumption is incorrect, Applicant respectfully requests the Examiner explicitly clarify the labels of the enumerated requirements.

In regard to requirements (1), (2), (3), (4), and (5), Applicant believes the requirements are no longer necessary in view of the amended claims and the discussion pertaining to one or more embodiments of the invention under 35 U.S.C. § 112 (below). However, in the event the Examiner believes the requirements are still necessary, the Examiner is encouraged to reassert the request in the subsequent action. Applicant will then take on the necessary burden to research answers for the reasserted request (if possible). Further, considering the extremely broad and far-reaching nature of the request, such information is not readily available. Applicant believes a statement that the information sought is either unknown or not readily available will be accepted by the USPTO as a complete reply. *See*, MPEP § 704.12(b). Accordingly, withdrawal of this request for information is respectfully requested.

### **Drawing Objections**

The Examiner objects to the drawings under 37 CFR § 1.83(a). Specifically, the Examiner contends that the drawings are objected to because the newly amended claim language is not found within the figures. *See*, Action at pages 4. By way of this submission, claims 1, 7, 11-14, and 17 are amended. As required by 37 CFR § 1.83(a), Applicant respectfully asserts that the drawings include every feature of the invention specified in the amended claims. Accordingly, withdrawal of this objection is respectfully requested.

### **Rejections under 35 U.S.C. § 101**

Claims 1, 7, and 11-19 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Specifically, the Examiner contends that "the claims have

no technology claimed.” *See*, Action at page 7. By way of this submission, claims 15 and 18 are cancelled and thus the rejection is moot as to those claims. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

A claimed process is surely patent-eligible under 35 U.S.C. § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. It is virtually self-evident that a process for a chemical or physical transformation of physical objects or substances is patent-eligible subject matter. *See, In re Bilski*, \_\_\_ F.3d \_\_\_ (Fed. Cir. 2008) (en banc).

Amended independent claim 1 explicitly recites, in part, “pursuing the prospect based on the interpretation report to recover the valuable component from the prospect.” Amended independent claim 7 recites similar limitations. Applicant respectfully asserts that the process of recovering the valuable component (*i.e.*, a physical object) from the prospect effectively transforms the valuable component into a different state. For example, the process of recovering the valuable component (*e.g.*, hydrocarbons, metals, minerals, etc.) transforms the valuable component from an unusable mass lodged within one or more geological layers of the Earth into a tangible raw material for industrial use. Accordingly, Applicant respectfully asserts that claims 1, 7, and 11-14, 16, 17, and 19 include a transformation of a particular article (*i.e.*, valuable component) into a different state, and thus are patent-eligible under 35 U.S.C. § 101. Accordingly, withdrawal of this rejection is respectfully requested.

Further, as discussed above, amended independent claims 1 and 7 are directed towards a method for recovering valuable components from a prospect on a property. The methods recited by amended independent claims 1 and 7 include a webpage on a web server (and thus the Internet) to both display information regarding the property (*i.e.*, seismic sections,

well logs) and as a means for potential prospecting participants (*e.g.*, geologists, petroleum engineers, petro-physicists, surveyors, etc.) to submit proposals for prospecting the property. Accordingly, Applicant respectfully asserts that claims 1, 7, and 11-14, 16, 17, and 19 are tied to a particular machine (*i.e.*, a web server), and are thus patent-eligible under 35 U.S.C. § 101. Accordingly, withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 112**

Claims 1, 7, and 11-19 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. By way of this submission, claims 15 and 18 are cancelled, and thus the rejection is moot as to those claims. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

As an initial matter, Applicant thanks the Examiner for explicitly disclosing the Examiner's interpretations of the independent claims. *See*, Action at pages 5-7. By way of this submission, Applicant has amended the independent claims to reduce the possibility of future misunderstandings between the Examiner and Applicant, and thus advance prosecution of the present application.

Independent claims 1 and 7 are amended to clarify that one or more embodiments of the invention include a prospector generating an interpretation report and the interest owner compensating the prospector for generating the interpretation report. In other words, money is flowing from the interest owner to the prospector. Multiple options may exist for compensating the prospector in exchange for generating the interpretation report. For example, the prospector may be compensated before the valuable components are recovered, after the valuable

components are recovered, or a combination of both. The prospector may choose one of the options for receiving compensation.

Further, independent claims 1 and 7 are amended to clarify said prospector is selected from multiple prospectors. Specifically, each of the multiple prospectors submit a proposal to the interest owner for prospecting the property. The interest owner selects one of the proposals, and the prospector corresponding to the selected proposal is awarded the right to generate the interpretation report.

Further still, independent claims 1 and 7 are amended to clarify data regarding the property is partitioned into at least two groups: (i) a first set of data available to all of said multiple prospectors; and (ii) a second set of data made available to the selected prospector in order to generate the interpretation report.

In view of the above, Applicant respectfully asserts that the amended claims particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 1, 7, and 11-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the multiple articles “Petroleumplace\_2-12” (hereinafter “Petro”). By way of this submission, claims 15 and 18 are cancelled, and thus the rejection is moot as to those claims. As for the remaining claims, for the reasons set forth below, this rejection is respectfully traversed.

If the Examiner does not produce a *prima facie* case, Applicant is under no obligation to submit evidence of non-obviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and Applicant from evaluating evidence beyond the prior art and the

evidence in the specification as filed until the art has been shown to suggest the claimed invention. *See*, MPEP § 2142.

It is abundantly clear that amended independent claim 1 explicitly requires, at least: (i) data regarding a property of an interest owner be partitioned into at least a first subset and a second subset; (ii) the first subset be made available to multiple potential prospecting participants (PPPs); (iii) the multiple PPPs each generate a proposal for prospecting the property; (iv) a PPP of the multiple PPPs be selected based on the proposal submitted by the PPP; (v) the PPP be granted access to the second subset of data; (vi) the PPP generate an interpretation report based on the second subset of data; (vii) the PPP be compensated for the interpretation report; and (viii) a valuable component be recovered from the property based on the interpretation report. Amended independent claim 7 recites similar limitations.

As an initial matter, the Examiner contends that Petro discloses transaction and brokerage services for the acquisition and divestiture of oil and gas properties. In other words, Petro is directed towards an online environment for purchasing an oil or gas property. *See*, Action at pages 8 and 9. Even assuming *arguendo* that the Examiner's contentions are proper, Petro is completely silent regarding the compensation of a PPP for generating an interpretation report, as recited by the amended independent claims. In fact, as Petro is heavily focused on purchasing an oil or gas property, Petro effectively discloses compensating the owner of a property, ***not*** a PPP. This effectively contradicts what is recited by the amended independent claims. Accordingly, Petro fails to teach or suggest compensating the PPP for generating the interpretation report and thus cannot satisfy at least requirement (viii) of the amended independent claims.

Further, Petro is completely silent regarding the partitioning of property data into a first set and a second set. Accordingly, Petro is also completely silent regarding publishing the first set of property data for all PPPs to view, while granting only a selected PPP access to the second set of property data for generating an interpretation report, as recited by the amended independent claims. Thus, Petro fails to teach or suggest at least requirements (i), (ii), and (iv) of the amended independent claims.

In view of the above, Applicant respectfully asserts Petro fails to teach or suggest each and every limitation of amended independent claims 1 and 7. Accordingly, the Examiner's contentions and the cited prior art do not support a rejection of amended independent claims 1 and 7. Claims 11-14, 16, 17, and 19 depend, either directly or indirectly, from independent claims 1 and 7. Accordingly, the Examiner's contentions and the cited prior art also do not support a rejection of claims 11-14, 16, 17, and 19, and withdrawal of this rejection is respectfully requested.

### **New Claims**

Claims 20-27 are added by way of this submission. Applicant respectfully asserts that no new matter is introduced by way of these new claims, as support for these new claims may be found, for example, in paragraphs [0021]-[0023], [0027], and [0032] of the published application, in the corresponding figures, and in the originally filed claims.

As discussed above, the Examiner's contentions and the cited prior art do not support a rejection of amended independent claim 1. New claims 20-27 depend, either directly or indirectly, from amended independent claim 1. Accordingly, the Examiner's contentions and the cited prior art also do not support a rejection of claims 20-27. Thus, claims 20-27 are allowable.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 09469/070001; 94.0046).

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Respectfully submitted,

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